THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.26275 of 1996

Date:16.02.2006

Between:

G.Swapna

--------PETITIONER

The Collector, R.R. District and another.

---------RESPONDENTS

ORDER:

The petitioners state that they are the owners of the land in Sy.Nos.1133, 1134 and 1135 of Khalsa Ibrahimpatan, Ibrahimpatan, R.R.District. According to them, the officials of the Revenue Department have visited their lands and tried to take the measurements with an object of taking over their lands for the purpose of grave-yard. A reference is made to a notice, dated 13.11.1996. They seek two-fold relief, namely, to prevent the respondents from causing any survey of the land as well as to prohibit them from acquiring their lands.

Though nearly ten years have elapsed, no counter-affidavit has been filed by the respondents.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

A perusal of the notice, dated 13.11.1996, discloses that it was issued with an object of conducting a survey for the purpose of demarcation and settlement. From this, it is not evident as to whether the survey was undertaken at the request of any neighbouring owner or in the course of the general survey operations. The interest of the petitioners can be protected in this regard by requiring the respondents to indicate the purpose of conducting survey.

So far as the relief of prohibiting the respondents from acquiring the land of the petitioners is concerned, this Court cannot prohibit the Government from exercising its powers under the Land Acquisition Act. This much can be said that the property of a private individual cannot be taken over, without following the procedure prescribed by law.

Hence, the writ petition is disposed of, directing that in case the respondents intend to conduct any survey of the lands of the petitioners, they shall state the reasons there for. Further, the respondents shall not dispossess or otherwise interfere with the possession of the petitioners over the property, except by having recourse to the provisions of the Land Acquisition Act or the other related enactments. There shall be no order as to costs.

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16.02.2006

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